

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:99-CV-00268**

<b>STEVE E. ASHE and wife DEBORAH ANN</b>	)
<b>SCOTT ASHE, <i>et al.</i>,</b>	)
	)
<b>This document pertains to:</b>	
<b>STEVE E. ASHE, and wife DEBORAH ANN</b>	)
<b>SCOTT ASHE,</b>	)
<b>FRED H. BARTON,</b>	)
<b>HOMER R. BLYTE, and wife ANN E. BLYTHE,</b>	)
<b>BEN BOLT and wife FLORA MAE MCCALL BOLT,</b>	)
<b>SHIRLEY EUGENE BRACKEN, and wife</b>	)
<b>ANNIE JOE SHERIL BRACKEN,</b>	)
<b>FRED C. BRYSON, and wife MARY B. BRYSON,</b>	)
<b>ALLEN E. CHAPMAN, and wife SANDRA F.</b>	)
<b>CHAPMAN,</b>	)
<b>DAVID H. CORN and wife PHYLLIS BOWEN CORN</b>	)
<b>ROBERT H. CROWE and wife MARIAN CROWE,</b>	)
<b>DANNY L. DUCKWORTH,</b>	)
<b>JOHN D. EZELL and wife AILEEN RODGERS EZELL)</b>	)
<b>EDNA MAE FEWELL,</b>	)
<b>SALLY R. FLETCHER, Executrix of the Estate of</b>	)
<b>CARROLL FLETCHER, Deceased,</b>	)
<b>WILLIAM M. GADDY, SR. and wife MYRTLE N.</b>	)
<b>GADDY,</b>	)
<b>GLYDE C. GALLOWAY, and wife BELLE T.</b>	)
<b>GALLOWAY,</b>	)
<b>CLAUDE S. GOODSON, and wife DARLENE</b>	)
<b>GOODSON,</b>	)
<b>ROBERT P. GRANT, and wife DORIS P. GRANT,</b>	)
<b>LARRY W. GREGORY,</b>	)
<b>WILLIAM H. HALL, JR. and wife WANDA D. HALL</b>	)
<b>WILLIE E. HARRON,</b>	)
<b>THOMAS B. HEATON and wife ELLA MAE P.</b>	)
<b>HEATON,</b>	)
<b>MARILYN M. JARRETT, Individually and as</b>	)
<b>Executrix of the Estate of Douglas L. Jarrett,</b>	)
<b>Deceased,</b>	)
<b>MAGGIE C. KRIDER, Individually and as</b>	)
<b>Personal Representative of the Estate of THOMAS</b>	)

**KRIDER, Deceased,** )  
**JAMES T. MAHONEY, JR., and wife BRENDA** )  
**FAYE J. MAHONEY,** )  
**ERNEST R. MANEY, and wife BARBARA G. MANEY** )  
**BENJAMIN F. MCCALL and wife DONNIE VEE** )  
**MCCALL,** )  
**FRANKLIN L. MCCALL and wife BETTY MCCALL** )  
**JAMES D. MCCALL,** )  
**RUFUS S. MCCALL and wife MARGARET P.** )  
**R. MCCALL,** )  
**SHERRELL P. MCCRARY and wife VELMA** )  
**EARLENE MCCRARY,** )  
**WILLIAM P. MCKELVEY** )  
**BETTY N. MICHAEL, Executrix of the Estate of** )  
**JOHN A. MICHAEL, Deceased,** )  
**JIMMY G. MILLER, and wife LINDA G. MILLER,** )  
**BENNY L. MOONEY, and wife MILDRED RUTH** )  
**H. MOONEY,** )  
**WILLIAM L. MOONEY, SR. and wife BILLIE** )  
**FARMER MOONEY,** )  
**PEGGY LOFLIN, as Administrator of the Estate of** )  
**James H. Morris, Deceased,** )  
**GEORGE H. NEWMAN and wife VIRGINIA NEWMAN** )  
**CARROLL F. OWEN, and wife CYNTHIA OWEN** )  
**MARY M. OWEN,** )  
**ROSCOE H. PONDER, and wife GRACE J.R.PONDER** )  
**JOE B. ROGERS, and wife JUNE ROGERS,** )  
**REMUS L. ROPER, and wife SHIRLEY ROPER,** )  
**PAUL D. SEAGLE and wife LINDA M. SEAGLE,** )  
**DOUGLAS G. SENTELLE and wife CINDY SENTELLE** )  
**CHARLES N. SHOOK, as Executor of the Estate of** )  
**Vance F. Shook, Deceased,** )  
**BRONITH SHOOK, as Administrator of the Estate of** )  
**Vance Randall Shook, Deceased,** )  
**ETHEL I.J. SITTON, Individually and as Executrix of** )  
**the Estate of Ed J. Sitton, Deceased,** )  
**NETTIE L. SITTON,** )  
**BRUCE D. SMITH and wife DELORES H. SMITH** )  
**ROBERT A. SMITH and wife MARJORIE L.** )  
**SMITH,** )  
**BRADLEY H. SNIPES and wife ELANOR E. SNIPES,** )  
**RUTH G. SUMMEY, Individually and as Executrix of** )  
**the Estate of Clyde C. Summey, Deceased,** )  
**JUANITA W. WATSON,** )  
**CHARLES E. WHITEMIRE and wife BOBBIE JEAN** )  
**WHITEMIRE,** )

<b>ALBERT W. WILLIAMS and wife CAROLYN</b>	)
<b>WILLIAMS</b>	)
<b>THOMAS J. WOODS and wife ALICIA JEAN WOODS)</b>	)
<b>Plaintiffs</b>	)
	)
<b>v.</b>	)
	)
<b>ACandS, INC., <i>et al</i>,</b>	)
	)
<b>Defendants.</b>	)
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**ORDER**

**THIS MATTER** is before the Court on the joint motion of the captioned Plaintiffs and the Defendant Foster Wheeler Energy Corporation to dismiss their claims as to said Defendant with prejudice.

It appears that good cause exists to permit Plaintiffs to do so,

**IT IS THEREFORE ORDERED, ADJUDGED, and DECREED** that the joint motion to dismiss is **ALLOWED**, and the claims of Plaintiffs Steve E. Ashe and wife Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe and wife Ann E. Blythe; Ben Bolt and wife Flora Mae McCall Bolt; Shirley Eugene Bracken and Annie Joe Sheril Bracken; Fred C. Bryson and wife Mary B. Bryson; Allen E. Chapman and wife Sandra F. Chapman; David H. Corn and wife Phyllis Bowen Corn; Robert H. Crowe and wife Marian Crowe; Danny L. Duckworth; John D. Ezell and wife Aileen Rodgers Ezell; Edna Mae Fewell; Sally R. Fletcher, Executrix of the Estate of Carrol D. Fletcher, deceased; William M. Gaddy, Sr. and wife Myrtle N. Gaddy; Clyde C. Galloway and wife Belle T. Galloway; Claude S. Goodson and wife Darlene Goodson; Robert P. Grant and wife Doris P. Grant; Larry W. Gregory; William H. Hall, Jr. and wife Wanda Hall; Willie E. Harron; Thomas B. Heaton and wife Ella Mae P. Heaton; Marilyn S.

Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, Deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider, Sr., deceased; James T. Mahoney and wife Brenda Faye J. Mahoney; Ernest R. Maney and wife Barbara G. Maney; Benjamin F. McCall and wife Donnie Vee McCall; Franklin L. McCall and wife Betty McCall; James D. McCall; Rufus S. McCall and wife Margaret P. R. McCall; Sherrell P. McCrary and wife Velma Earlene McCrary; William P. McKelvey; Betty N. Michael, Executrix of the Estate of John A. Michael, deceased; Jimmy G. Miller and wife Linda G. Miller; Benny L. Mooney and wife Mildred Ruth H. Mooney; William L. Mooney, Sr., and wife Billie Farmer Mooney; Peggy Loflin, as Administrator of the Estate of James H. Morris, Deceased; George H. Newman and wife Virginia Newman; Carroll Owen and wife Cynthia Owen; Mary M. Owen; Roscoe H. Ponder and wife Grace J. R. Ponder; Joe B. Rogers and wife June Rogers; Remus L. Roper and wife Shirley Roper; Paul D. Seagle and wife Linda M. Seagle; Douglas G. Sentelle and wife Cindy Sentelle; Charles N. Shook, as Executor of the Estate of Vance F. Shook, Deceased; Bronith Shook, as Administrator of the Estate of Vance Randall Shook, Deceased; Ethel I.J. Sitton, Individually and as Executrix of the Estate of Ed J. Sitton, Deceased; Nettie Sitton; Bruce D. Smith and wife Delores H. Smith; Robert A. Smith and wife Marjorie L. Smith; Bradley H. Snipes and wife Eleanor E. Snipes; Ruth G. Summey, Individually and as Executrix of the Estate of Clyde C. Summey, Deceased; Juanita W. Watson; Charles E. Whitmire and wife Bobbie Jean Whitmire; Albert W. Williams and wife Carolyn Williams; AND Thomas J. Woods and wife Alicia Woods, against Defendant Foster Wheeler Energy Corporation, are hereby

**DISMISSED WITH PREJUDICE.**

Signed: April 3, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

